89-1328

(3)

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

No._____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

LOUISE W. GOODRICH,

Petitioner,

v,

COUNTY OF LOS ANGELES,

Respondent,

PETITION FOR WRIT OF CERTIORARI TO THE CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT, DIVISION SEVEN

APPENDIX, CONSTITUTIONS & LAWS INVOLVED
(Volume Three, of three volumes)

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Louise W. Goodrich,
in propria persona

76 pp

APPENDIX F

CONSTITUTIONAL PROVISIONS

APPENDIX F

UNITED STATES CONSTITUTIONAL PROVISIONS:

ARTICLE I,

SECTION VIII, The Congress shall have power

> 3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

SECTION X,

> 1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and repraisal; coin money; emit bills of credit; make any-thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

ARTICLE VI,

> 2. This Constitution, and the laws of the United states which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding

AMENDMENTS TO THE CONSTITUTION

ARTICLE V,

No person shall be held to answer for a

capital, or otherwise infamous crime, unless upon a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE XIV.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive a person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

APPENDIX G

CALIFORNIA CONSTITUTIONAL PROVISIONS

APPENDIX G

CONSTITUTION OF THE STATE OF CALIFORNIA
As amended and in force November 4, 1986

ARTICLE I

DECLARATION OF RIGHTS

[Inalienable Rights]
§ 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

APPENDIX H

CONGRESSIONAL ACTS - FEDERAL REGULATIONS

APPENDIX H

CONGRESSIONAL ACTS AND FEDERAL REGULATIONS

42 U.S.C. § 1983 Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper procedure for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 U.S.C. § 1985 Conspiracy to interfere with civil rights

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or

Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his suport or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the objective of such conspiracy, whereby another is injured in his person or property, or deprived of having or exercizing any right or privilege of a citizen of the United States the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

THE NATIONAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, 42 U.S.C. SECTION 5401. et seq.

§ 5401 Congressional declaration of purpose

The Congress declares that the purposes of this chapter are to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents and to improve the quality and durability of manufactured homes. Therefore, the Congress determines that it is necessary to establish Federal construction and safety standards for manufactured homes and to authorize manufactured home safety research and development.

§ 5402. Definitions

As used in this chapter, the term--

(1) "manufactured home construction" means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety;

(3) "defect" includes any defect in the performance, construction, components, or material of a manufactured home that renders the home or any part thereof not fit for the ordinary use for which it was intended;

(6) "manufactured home" means a structure transportable on one or more sections, which, when in the travelling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundres twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter;

(7) "Federal manufactured home construc-
construction and safety standard" means a resonable standard for the

construction, design, and performance of a manufactured home which mets the needs of the public including the need for quality, durability, and safety.

(8) "manufactured home safety" means the performance of a manufactured home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such manufactured home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur;

(9) "imminent safety hazard" means an imminent aand unreasonable risk of death or severe personal injury;

(11) "Secretary" means the Secretary of Housing and Urban Development;

(12) "State" includes each of the several States, the District of Columbia, the Commonweath of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

§ 5403. Construction and safety Standards

(a) The Secretary, after consultation with the Consumer Product Safety Commission, shall establish by order appropriate Federal manufactured home construction and safety standards. Each such Federal manufactured home standard shall be reasonable and shall meet the highest standards of protection, taking into account existing State and local laws relating to manufactured home safety and construction.

(d) Supremacy of the Federal standards.

Whenever a Federal manufactured home construction and safety standards is in effect, no State or political subdivision of a State shall have any authority either to establish or continue in effect, with respect to any manufactured home covered, any standard regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard. [Footnote; Code of Federal Regulations Standards applicable, see 24 CFR 3280.1 et seq., 3282.1 et seq.]

§ 5408. Cooperation by Secretary with public and private agencies

The Secretary is authorized to advise, assist, and cooperate with other Federal agencies and with State and other interested public and private agencies, in the planning and development of--

(1) manufactured home construction and safety standards; and

(2) methods for inspecting and testing to determine compliance with manufactured home standards.

§ 5413. Inspections and investigations for promulgation or enforcement of standards or execution of other duties

(e) Submission by manufacturer of building plans for manufactured homes; certification by manufacturer of conformity of building plans to standards

Each manufacturer of manufactured homes

shall submit the building plans for every model of such manufactured homes to the Secretary or his designee for the purpose of inspection under this section. The manufacturer must certify that each such building plan meets the Federal construction and safety standards in force at the time before the model involved is produced.

§ 5421. Prohibition on waiver of rights

The rights afforded manufactured home purchasers under this chapter may not be waived, and any provision of a contract or agreement entered into after August 22, 1974, to the contrary shall be void.

§ 5422 State enforcement

(a) Nothing in this chapter shall prevent any State agency or court from asserting jurisdiction under State law over any manufactured home construction or safety issue with respect to which no Federal manufactured home construction and safety standard has been established pursuant to the provisions of section 5403 of this title.

(b) Any State which, at any time, desires to assume responsibility for enforcement of manufactured home safety and construction standards relating to any issue with respect to which a Federal standard has been established under § 5403 of this title, shall submit to the Secretary a State plan for enforcement of such standards.

(c) The Secretary shall approve the plan submitted by a State under subsection (b) of this section, or any modification thereof, if such plan in his

judgement--

(1) designates a State agency as the agency or agencies responsible for administering the plan throughout the State;

(2) provides for the enforcement of manufactured home safety and construction standards promulgated under § 5403 of this title;

(5) provides for the notification and correction procedures under § 5414 of this title;

(6) provides for the paymeny of inspection fees by manufacturers in amounts adequate to cover the costs of inspections;

(7) contains satisfactory assurances that such State agency or agencies. have or will have the legal authority and qualified personnel necessary for the enforcement of such standards.

§ 5423. Grants to States

(a) The secretary is authorized to make grants to the States which have designated a State agency under § 5422 of this title to assist them--

(1) in identifying their needs and responsibilities in the area of manufactured home construction and safety standards; or

(2) in developing State plans under section 5422 of this title.

CODE OF FEDERAL REGULATIONS, TITLE 24--
HOUSING & URBAN DEVELOPMENT, CH. XX--
OFFICE OF ASSISTANT SECRETARY FOR HOUSING

PART 3280.

§ 3280.1 Scope.

(a) This standard covers all equipment and installations in the design, construction, fire safety, plumbing, heat-producing and electrical systems of manufactured homes which are designed to be used as dwelling units. . . .

(b) These Federal manufactured home construction and safety standards seek, to the maximun extent possible, to establish performance requirements. ...

(c) Interpretative bulletins may also be issued for the following purposes:

(1) To clarify the meaning of the standard; and

(2) To assist in the enforcement of the standard.

§ 3280.2 Definitions. (see § 3282.7 and Act § 5402.)

(a) Definitions in this subpart are those common to all subparts of the standard and are in addition to the individual definitions provided in individual parts.

(11) "Installations" means all arrangements and methods of construction, as well as fire safety, plumbing, heat-producing and electrical systems used in manufactured homes.

§ 3280.3 Acceptance of plans.

(a) Each manufacturer of manufactured homes shall submit the building plans for every model of such manufactured home to the secretary, or Secretary's designee, for the purpose of inspection for conformance to this standard.

(b) The manufacturer shall certify that each such building plan meets the Federal construction and safety standard in force at the time before the maufactured home involved is producd.

(c) Regulations pertaining to enforcement of these standards and to labeling of manufactured homes shall be as prescribed by the secretary.

Subpart B--Planning Considerations

§ 3280.101 Scope.

Subpart B states the planning requirements in manufactured homes. The intent of this subpart is to assure the adequacy of architectural planning considerations which assist in determining a safe and healthful environment.

Subpart C--Fire Safety

§ 3280.201 Scope.

The purpose of this subpart is to set forth requirements that will assure reasonable fire safety to the occupants by reducing fire hazards and by providing measures for early detection.

Subpart D--Body and Frame Construction Requirements

§ 3280.301 Scope

This subpart covers the minimum requirements for materials, products, equipment and workmanship needed to assure that the manufactured home will provide: (a) Structural strength and rigidity, (b) protection against corrosion, decay, insects and other similar destructive forces, (c) protection against hazards of windstorm, (d) resistance to the elements, and (e) durability and economy of maintenance.

§ 3280.302 Definitions.

(a) The following definitions are applicable to Subpart D only:

(3) "Tie" means strap, cable, or securing devices used to connect the manufactured home to ground anchors.

(5) "Vertical tie" means a tie intended to resist the uplifting or overturning forces.

(6) "Footing" means that portion of the support system that transmits loads directly to the soil.

(10) "Main frame" means the structural component on which is mounted the body of the manufactured home.

(11) "pier" means that portion of the support system between the footing and the mufactured home exclusive of caps and shims.

(14) "Support system" means a combination of footings, piers, caps, and shims that will, when properly installed, support the manufactured home.

§ 3280.303 General requirements.

(a) Minimum requirements. The design and construction of a manufactured home shall conform with the provisions of this standard. Requirements for any size, weight, or quality of material modified by the terms of "minimum", "not less than", "at least" and similar expressions are minimum standards. The manufacturer or installer may exceed these standards provided such deviation does not result in any inferior installation or defeat the purpose and intent of this standard.

(b) Construction. All construction methods shall be in conformance with accepted engineering practices to insure durable, livable, and safe housing and shall demonstrate acceptable workmanship reflecting journeyman quality of work of the various trades.

(e)(2) Unless based on accepted engineering design for the use indicated, all new materials, equipment, systems or methods of constructuion not provided for in this standard shall be subjected to the tests specified in paragraph (g) of this section.

§ 3280.304 materials.

(b)(2) Materials and methods of constr-construction utilized in the design and construction of manufactured homes which are covered by the standards in the following table, or any applicable portion thereof shall comply with these requirements.

(b)(4) Materials and methods of installation conforming to these standards

shall be considered acceptable when installed in conformance with the requirements of this part.

§ 3280.305 Structural design requirements.

(a) Each manufactured home shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this standard and shall be capable of transmitting these loads to stabilizing devices without exceeding the allowable loads stresses or deflections..

(b) Design loads--(1) Design dead loads shall be the actual dead load supported by the structural assembly under consideration.

(i) Frame construction. The frame construction shall be capable of transmitting all design loads to stabilizing devices without exceeding the allowable load and deflections of this section. The frame shall also be capable of withstanding the effects of transportation shock and vibration without degradation as required by Subpart J.

§ 3280.306 Windstorm protection.

(a) Provision for support and anchoring systems. Each manufactured home shall have provisions for support and anchoring systems, which, when properly designed and installed, will resist overturning and lateral movement (sliding) of the manufactured home as imposed by the respective design loads.

(1) The provisions of this section shall be followed and the support and

anchoring systems shall be designed by a Registered Professional Engineer or Architect.

(2) The manufacturer of each manufactured home is required to make provision for the support and anchoring systems, but is not required to provide the anchoring equipment or stabilizing devices. When the manufacturer's installation instructions provide for the main frame structure to be used as the points for connection of diagonal ties, no specific connecting devices need be provided on the main frame structure.

(b) The manufacturer shall provide printed instructions with each manufactured home specifying the location and required capacity of stabilizing devices on which the design is based. The manufacturer shall provide drawings and specifications certified by a registered professional engineer or architect indicating at least one acceptable system of anchorage including the details of required straps or cables, their end connections and all other devices needed to transfer the wind loads from the manufactured home to the ground anchors.

§ 3280.402 Test procedure for roof trusses.

(b) General. Trusses may be tested in pairs or singly in a suitable test facility. When tested singly, simulated lateral support of the test assembly may be provided, but in no case shall this lateral support exceed that which is specified for the completed manufactured home. When tested in pairs, the trusses shall be spaced at

the design spacing and shall be mounted on solid support accurately positioned to give the required clear span distance (L) as specified in the design. The top and bottom chords shall be braced and covered with the material, with connections or method of attachment, as specified by the completed manufactured home.

§ 3280.603(b)(4) Freezing. All piping and fixtures subject to freezing temperatures shall be insulated or proteted to prevent freezing, under normal occupancy. The manufacturer shall provide: (i) Written installation instructions for the method(s) required for compliance to this section; (ii) a statement in his installation instructions that if heat tape is used it shall be listed for use with manufactured homes; (iii) a receptacle outlet for the use of heat tape located on the underside of the manufactured home within 2 feet of the water supply inlet. The rceptacle outlet provided shall not be placed on a branch circuit which is protected by a ground fault circuit interrupter.

§ 3280.609(b)(1) . . . When a master cold water shutoff full flow valve is not installed on the main feeder line in an accessible location, the manufacturer's installation instructions shall indicate that such a valve is to be installed in the water supply line adjacent to the home. . . .

§ 3280.610(c)(5) Preassembly of drain lines. Drain lines provided by the manufacturer, located under the manufactured home, designed to bring the drain system to one distribution point

which may be damaged in transit, must be designed for proper site assembly.

§ 3280.612 Test and inspection.

(a) **Water system.** All water piping in the water distribution system shall be subjected to a pressure test. The test shall be made by subjecting the system to air or water at 100 psi for 15 minutes without loss of pressure.

(b) **Drainage and vent system and plumbing fixtures.** The waste and vent system shall be tested by one of the three following alternate methods for evidence or indication of leakage.

(3) **Flood level test.** The manufactured home shall be in a level position, all fixtures shall be connected, and the entire system shalll be filled with water to the rim of the toilet bowl. (Tub and shower drains shall be plugged.) After all trapped air has been released, the test shall be sustained for not less than 15 minutes without evidence of leaks. Then the system shall be unplugged and emptied. The waste piping above the level of the toilet bowl shall then be tested and show no indication of leakage when the high fixtures are filled with water and emptied simultaneously to obtain the maximum possible flow in the drain piping.

§ 3280.705 **Gas piping systems;**
§ 3280.706 **Oil piping systems;**

[NOTE: Extensive regulations and tests are contained in these sections, but Petitioner's home is all electric.]

§ 3280.709(g)(1)(ii) A fireplace or fireplace stove, air intake assembly, hearth extension and the chimney shall be installed in accordance with the terms of their listings and their manufacturer's instructions. (iii) The combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth dropping onto the area beneath the manufactured home.

§ 3280.715 Circulating air system.

(a)(5) Expandable or multiple manufactured home connections. (i) An expandable or multiple manufactured home may have ducts of the heating system installed in the various units. The points of connection must be so designed and constructed that when the manufactured home is fuly expanded or coupled, the resulting duct joint will conform to the requirements of this part. (ii) Installation instructions for supporting the crossover duct shall be provided for onsite installation. The duct shall not be in contact with the ground. (emphasis added)

§ 3280.810 Electrical testing.

(b) Each manufactured home shall be subjected to: (1) A continuity test to assure that metalic parts are properly bonded; (2) operational test to demonstrate that all equipment is connected and in working order; and (3) polarity checks to determine that connections have been properly made.

Part 3282.

§ 3282.1 Scope of purpose

(a) The National Manufactured Housing Construction and Safety Standards Act of 1974 (Title VI of Pub. L. 93-383, 88 Stat. 700, 42 U.S.C. 5401, et seq.) (hereafter referred to as the Act), requires the Secretary of the Department of Housing and Urban Development to establish Federal manufactured home construction and safety standards and to issue regulations to carry out the purpose of the Act. The standards promulgated pursuant to the Act appear at Part 3280 of Chapter XX of this Title and apply to all manufactured homes manufactured for sale to purchasers in the United States on and after the effective date of the standards (June 15, 1976). A manufactured home is manufactured on and after June 15, 1976, if it enters the first stage of production on or after that date.

(b) The Secretary is also authorized to conduct inspections and investigations necessary to enforce the standards, to determine that a manufactured home fails to comply with an applicable standard or contains a defect or an imminent safety hazard, and to direct the manufacturer to furnish notification thereof, and in some cases, to remedy the defect or imminent safety hazard. The purpose of this part is to prescribe procedures for the implementation of these responsibilities of the Secretary under the Act through the use of private and State inspection organizations and co-operation with State manufactured home agencies. It is the policy of the Department to

involve State agencies in the enforcement of the Federal standards to the maximum extent possible consistent with the capabilities of such agencies and the public interest.

§ 3282.7 Definitions.

(l) "Design" means drawings, specifications, sketches and the related engineering calculations, tests and data in support of the configurations, structures and systems to be incorporated in manufactured homes manufactured in a plant.

(o) "Failure to conform" means an imminent safety hazard related to the standards, a serious defect, defect, or noncompliance and is used as a substitute for all of those terms.

(q) "Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable safety or construction standard.

(gg) "Serious defect" means any failure to comply with applicable [standard] that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended, but does not result in an unreasonable risk of injury or death to occupants of the affected manufactured home.

(j) "Defect" means a failure to comply with an applicable [standard] that renders the manufactured home or any part or component thereof not fit for the ordinary use for which it was

intended, but does not result in an unreasonable risk of injury or death to occupants of the affected manufactured home.

(y) "Noncompliance" means a failure of a manufactured home to comply with a [standard] that does not constitute a defect, serious defect, or imminent safety hazard.

(jj) "State Administrative Agency" (SAA) means an agency of a State which has been approved or conditionally approved to carry out the State plan for enforcement of the standards pursuant to section 623 of the Act, 42 U.S.C. 5422, and Subpart G of this part.

§ 3282.8. Applicability.

(b) States. This part applies to States that desire to assume responsibility under the Federal manufactured home construction and safety standards enforcement program. It includes requirements which must be met in order for State agencies to be approved by the Secretary under § 623(c) of the Act, 42 U.S.C. 54229c). It also includes requirements for states wishing to act as primary inspection agencies, as defined in §3282.7, or to participate in monitoring activities under §3282.308.

(e) manufactured home dealers and distributors. This part applies to any person selling, leasing, or distributing new manufactured homes for use in the United States. It includes prohibitions of the sale of new manufactured homes to which labels have not been affixed pursuant to Subpart H of these regulations or that have been altered,

damaged, or otherwise caused not to be in compliance with the Federal standards.

(f) Purchasers. owners, and consumers. This part applies to purchasers, owners, and consumers of manufactured homes in that it sets out procedures to be followed when purchasers, owners, and consumers complain to manufacturers, States, the Secretary, or others concerning problems in manufactured homes for which remedies are provided under the Act.

§ 3282.11 Preemption and reciprocity.

(a) No State manufactured home standard which covers aspects of the manufactured home governed by the Federal standards shall be established or continue in effect with respect to manufactured homes subject to the Federal standards and these regulations unless it is identical to the Federal standards.

(b) . . . Certain actions which States are permitted to take are set out in Section 3282.203 of Subpart G of this part;

(e) No State or locality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. The test of whether a State rule or action is valid or must give way is whether the State rule can be enforced or the action taken without impairing the federal superintendence of the manufactured home industry as established by the Act.

SUBPART E--Manufacturer Inspection and Certification Requirements

§3282.201 Scope and Purpose

(b) The purpose of this subpart is to require manufacturers to participate in a system of design approvals and inspections which serve to assist them in assuring that manufactured homes which they manufacture will conform to the standards. Such approvals and inspections provide significant protection to the public by decreasing the number of manufactured homes with possible defects in them, and provide protection to manufacturers by reducing the number of instances in which costly remedial actions must be undertaken after manufactured homes are sold.

§ 3282.203 Dapia services

(b) The manufacturer shall submit to the DAPIA such information as the DAPIA may require in order to carry out the design approvals. This information shall, except where the manufacturer demonstrates to the DAPIA that it is not necessary, include the following:

(10) Detailed manufacturer installation instructions including specifications and procedures for the erection and hook-up of the home at its permanent location, and

(11) Reports of all tests that were run to validate the conformance of the design to the standards.

SUBPART F--Dealer and Distributor Responsibilities

§ 3282.251 Scope and Purpose

(a) This subpart sets out the responsibilities which shall be met by distributorsw and dealers with respect to manufactured homes manufactured after the effective date of the standards for sale to purchasers in the United States. It prohibits the sale or lease of manufactured homes known by the distributor or dealer not to be in conformance with the standards, and it includes responsibilities for maintaining certain records and assisting in the gathering of certain information.

(b) The purpose of this subpart is to inform distributors and dealers when they may sell manufactured homes, when they are prohibited from selling manufactured homes, and what they may do in order to prepare a manufactured home for sale if it is not in conformance with the standards.

§ 3282.254 Distributor and Dealer alterations.

(a) If a dealer or distributor alters a manufactured home in such a way as to create an imminent safety hazard or to create a condition which causes a failure to conform with applicable Federal standards, the manufactured home affected may not be sold, leased, or offered for sale or lease.

SUBPART G--State Administrative Agencies

§ 3282.301 General--scope.

This subpart sets out procedures to be

followed and requirements to be met by States which wish to participate as State Administrative Agencies (SAA) under the Federal standards enforcement program. Requirements relating to States which wish to participate as primary inspection agencies under the Federal standards enforcement program are set out in Subpart H of this part. Requirements which States must meet in order to receive full or conditional approval as SAAs and the reponsibilities of such agencies are set out in § 3282.302. Reporting requirements for approved and conditionally approved SAAs are set out in Subpart L.

§ 3282.302 State plan.

A State wishing to qualify and act as a SAA under this subpart shall make a State State Plan Application under this section. The State Plan Application shall be made to the Director, Manufactured Housing Standards Division, Department of Housding and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, and shall include:

(a) An original and one copy of a cover sheet which shall show the following:

(1) The name and address of the State agency designated as the sole agency responsible for administering the plan throughout the State,

(2) The name of the administrator in charge of the agency,

(3) The name, title, address, and phone number of the person responsible for handling consumer complaints concerning standards related problems in manufactured homes

under Subpart I of this part,

(4) A list of personnel who will carry out the State plan,

(5) The number of manufactured home manufacturing plants presently operating in the State,

(6) The estimated total number of manufactured homes manufactured in the State per year,

(7) The estimated total number of manufactured homes set up in the State per year,

(8) A certification signed by the administrator in charge that, if it is approved by the Secretary, the State Plan will be carried out in full, and that the regulations issued under the Act shall be followed (emphasis added)

(b) An original and one copy of appropriate materials which:

(1) Demonstrate how the State agency shall assure effective handling of consumer complaints and other information referred to it that relate to noncompliances, defects, serious defects, and imminent safety hazards as set out in Subpart I of this part, including the holding of hearings and presentation of views and the fulfilling all other responsibilities of SAAs as set out in that Subpart G:

(2) Provide that personnel of the designated agency shall, under State law or as agents of HUD, have the

right at any reasonable time to enter and inspect all factories, warehouses, or establishments in the State which manufactured homes are manufactured;

(3) Provide for the imposition under State authority of civil and criminal penalties which are identical to those set out in Section 611 of the Act, 42 U.S.C. 5410 except that civil penalties shall be payable to the State rather than to the United States;

(4) Provide for the notification and correction procedures under Subpart I of this part where the State Administrative Agency is to act under that subpart by providing for and requiring approval by the State Administrative Agency of the plan for notification and correction described in section 3282.410, including approval of the number of units that may be affected and the proposed repairs, and by providing for approval of corrective actions where appropriate under Subpart I,

(5) Provide for oversight by the SAA of: (i) Remedial actions carried out by manufacturers for which the SAA approved the plan for notification or correction under section 3282.405, or 3282.407, or for which the SAA has waived formal notification under section 3282.405 or section 3282.407, and (ii) a manufacturer's handling of consumer complaints and other information under 3282.404 as to plants located within the State,

(6) Provide for the setting of monitoring inspection fees in accordance with guidelines established by the Secretary and provide for participation in the fee distribution system set out in section 3282.307,

(7) Contain satisfactory assurances in whatever form is appropriate under State law that the designated agency has or will have the legal authority necessary to carry out the State plan as submitted for full or conditional approval, (emphasis added)

(8) Contain satisfactory assurances that the designated agency has or will have in its own staff or provided by other agencies of the State or otherwise, the personnel, qualified by education or experience necessary to carry out the State plan, (emphasis added)

(9) Include the resumes of administrative personnel in policy making positions and of all inspectors and engineers to be utilized by the designated agency in carrying out the State plan,

(10) Include a certification that none of the personnel who may be involved with carrying out the State plan in any way are subject to any conflict of interest of the type discussed in § 3282.359 or otherwise, except that member of councils, committees, or similar bodies providing advice to the designated agency are not subject to the requirements,

(11) Include an estimate of the cost to the State of carrying out all activities called for in the State plan under this section and section 3282.203, which shall be broken down by particular function and indicate the correlation between the estimate and the number of manufactured homes manufactured in the State and the number of manufactured homes imported into the State, and the relationship of these factors to any fees charged during the preceding two calendar years. A description of all current and past State activities with respect to manufactured homes shall be included with this estimate, (emphasis added)

(12) Give satisfactory assurances that the State shall devote adequate funds to carry out its State plan.

(13) Indicate that the State law requires manufacturers, distributors, and dealers in the State to make reports pursuant to § 614 of the Act 42 U.S.C. 5413 and this chapter of these regulations in the same manner and to the same extent as if the State plan were not in efect.

(14) Provide that the designated agency shall make reports to the Secretary as required by Subpart L of this part in such form and containing such information as the Secretary shall from time to time require

§ 3282.303 State plan--suggested provisions.

The following are not required to be

included in the State plan but they are urged as necessary to provide full consumer protection and assurances of manufactured home safety:

(b) Provision of approvals of all alterations made to certified manufactured homes by dealer in the State. Under this program, the State would assure that alterations did not result in the failure of the manufactured home to comply with the Standards.

(c) Provision for monitoring of the installation of manufactured homes set up in the State to assure that the homes are properly installed and, where necessary, tied down, [see section 3282.302(b)(11) above, and § 3280.306(a)-(b).]

§ 3282.305 State plan approval.

The Secretary's approval or conditional approval of a State plan Application shall qualify that State to perform the functions for which it has been approved.

§ 3282.351 General.

(a) This subpart sets out the requirements which must be met by States or private organizations which wish to qualify as primary inspection agencies under these regulations. It also sets out the various functions which will be carried out by primary inspection agencies.

SUBPART I--Consumer Complaint Handling and Remedial Actions

§ 3282.401 Purpose and Scope--

(a) The purpose of this subpart is to establish a system under which the protections of the Act are provided with a minimum of formality and delay, but in which the rights of all parties are protected. (emphasis added)

(b) This subpart sets out procedures to be followed by manufacturers, State Administrative Agencies, primary inspection agencies and the Secretary to assure that manufacturers provide notification and correction with respect to their manufactured homes as required by the Act. Notification and correction may be required to be provided with respect to manufactured homes that have been sold or otherwise released by the manufacturer to another party when the manufacturer, an SAA or the Secretary determines that an imminent safety hazard, serious defect, defect, or noncompliance may exist in those manufactured homes as set out herein.

§ 3282.402 General principles.

(a) Nothing in this subpart or in these regulations shall limit the rights of the purchaser under any contract or applicable law.

(e) It is the policy of these regulations that all consumer complaints or other information indicating the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance should be referred to the manufacturer of the potentially affected manufactured homes as early as possible so that the manufacturer can begin to timely respond and take any remedial actions.

§ 3282.404 Notification pursuant to manufacturer's determination.

(b) Whenever the manufacturer receives from any source information that may indicate the existence of a problem in a manufactured home for which the manufacturer is responsible for providing notification under paragraph (a) of this section, the manufacturer shall, as soon as possible, but not later than 20 days after receipt of the information, carry out any necessary investigations and inspections to determine, and shall determine whether the manufacturer is responsible for providing notification under paragraph (a) of this section. . . .

§ 3282.406 Required manufacturer correction

A manufacturer required to furnish notification under 3282.404 or 3282,407 shall correct, at its expense, any imminent safety hazard or serious defect that can be related to an error in design or assembly of the manufactured home by the manufacturer, including an error in design or assembly of any component or system incorporated into the manufactured home by the manufacturer.

§ 3282.409 Manufacturer's plan for notification and correction.

(a) This section sets out the requirements that shall be met by manufacturers in preparing plans they are required to submit under 3282.404 (c). The underlying requirement is that the plan show how the manufacturer will fulfill its responsibilities with respect to notification and correction that arise under this Subpart I.

(c)(4) Inspection of the design of the manufactured home in question to determine whether the imminent safety hazard or failure to conform resulted from the design itself;

[§ 3282.364, All primary inspection agencies shall be responsible for acting as necessary under their contractual commitment with the manufacturer to determine whether alleged failures to conform to the standards may exist in manufactured homes produced under their surveillance and to determine the source of the problems. The DAPIA may be required to examine the designs in question . . .]

(e) The plan shall include a deadline for completion of all notifications and corrections.

§ 3282.410 Contents of notice.

(d) An evaluation of the risk to manufactured home occupants' safety and the durability of the manufactured home reasonably related to such imminent safety hazard, serious defect, defect or noncompliance, including:

(f)(1) Where the manufacturer will correct the manufactured home at no cost to the owner, the statement shall indicate how and when the correction will be done, how long the correction will take, and any other information that may be helpful to the owner.

APPENDIX I

CALIFORNIA ENACTMENTS

APPENDIX I

CALIFORNIA ENACTMENTS

CALIFORNIA ADMINISTRATIVE CODE

TITLE 25 MOBILEHOME PARKS ACT, CHAPTER 2, SUBCHAPTER 1, ART. I, ADMINISTRATION AND ENFORCMENT

§ 1000 Application and Scope.

The provisions of this subchapter shall apply to the construction, use, maintenance and occupancy of mobilehome parks, mobilehome lots, permanent buildings, and accessory buildings and structures. The provisions shall also apply to the use, maintenance and occupancy of mobilehomes and recreational vehicles and the installations for supplying fuel gas, water, electricity and the disposal of sewage from accessory structures and mobilehomes wherever located both within and outside of mobilehome parks in all parts of the state. (For purposes of this chapter, the term mobilehome shall include and be interchangeable with the term, manufactured home. See Section 18211, Health and Safety Code.)

NOTE: Authority cited: § 18300, Health and Safety Code. Reference §§ 18301, 18552, 18605, 18610, 18612, 18613, 18620, 18630, 18640, 18670, 18690 and 18691, Health and Safety Code.

§ 1002. Definitions

For purposes of administration and enfor-

cement the definintions contained in §§ 18200-18700 of the Health and Safety Code and those contained in this section shall apply to this subchapter. The definitions relating to building standards contained in Parts 2, 3, 4 and 5 of Title 24, California Administrative Code are also applicable to the requirements of this subchapter.

§ 1004. Local Enforcement.

(a) Assumption of responsibility for the enforcement of Division 13, Part 2.1 of the California Health and Safety Code and the provisions of this chapter relating to the enforcement of this chapter within mobilehome parks by a city, county, or city and county, shall be by means of an official ordinance, of the city council or board of supervisors which shall contain the following information:

(1) Indication of assumption of responsibility for enforcement of the Health and Safety Code, Division 13, Part 2.1 and the related administrative regulations.

(2) Name of agency or agencies delegated enforcement responsibilities.

(3) A statement that the designated local enforcement agency will provide qualified personnel necessary to enforce the provisions of this chapter consistent with the state enforcement program. The statement shall include total number of personnel assigned to enforcement program.

(4) Adoption of the applicable schedule of fees contained in the provisions of

the Health and Safety Code, Division 13, Part 2.1, and related administrative regulations.

(5) (i) A statement adopting the state program and objectives as contained in Health and Safety Code, Division 13, Part 2.1, and related administrative regulations.

(ii) A description of existing mobilehome parks in the jurisdiction, including conditions and occupancy status.

(iii) Specific local objectives, program plan and time table designed to achieve enforcement compliance.

(6) Effective date of enforcement assumption.

(b) Two certified copies of the ordinance shall be forwarded to the Administrative Office of the Division of Codes and Standards not less than 30 days before the designated effective date of assumption of enforcement.

(c) In addition to providing the above information, the local enforcement agency shall demonstrate actual inspection capability in making a mobilehome installation inspection to the satisfaction of the department.

(d) A statement that the forms used for application for permit to operate, the permit to operate, and the statement of installation acceptance shall be those provided by the state.

(e) The enforcement agency shall send a copy of all permits to operate issued to the Administrative Office of the

Division of Codes and Standards. The copies of the permits to operate issued shall be forwarded to the Administrative Office not later than the 15th of the month following issuance of the permit to operate.

NOTE: Authorities cited: §§ 18300 and 18613, Health and Safety Code. Reference: §§ 18300, 18505, 18506 and 18613, Health and Safety Code.

§ 1018. Permits Required.

(a) No person shall erect, construct, reconstruct, install, relocate or alter any building or structure or accessory building or structure, any electrical, mechanical, or plumbing equipment, fuel gas equipment and installations or fire protection equipment or installations of, or within, a mobilehome park, or a mobilehome lot, without first obtaining a written construction permit from the enforcement agency.

(b) No person shall operate a mobilehome park or portion of a mobilehome park without first obtaining a written permit to operate from the enforcement agency.

§ 1020. Permits for Mobilehome Installations and Accessory Buildings and Structures.

(a) All required site preparations and installations of serving utilities within a mobilehome park shall be completed before a permit to install a mobilehome may be issued within a mobilehome park. A person required to obtain a permit to install a mobilehome shall submit an application for

the permit to the enforcement agency on forms provided by the enforcement agency. Where the applicant is not the mobilehome owner, a contractor's license number and classification shall be shown on the application.

The applicant for a permit to install a mobilehome shall provide a complete set of plans and specifications and shall be on site available to the inspector at the time of inspection to include the following:

(1) A plot plan of the lot or site on which the mobilehome is to be installed, which shall indicate the planned location of the mobilehome, the locations of the electrical, gas, water and sewer connections on the site unless said plot plan is on file with the enforcement agency. The plot plan shall indicate all required dimensions and set backs from the lot lines.

(2) The number of the mobilehome insignia of approval and serial number of the mobilehome, or the year of manufacture and manufacturer's name and serial number if the mobilehome does not bear an insignia.

(3) The approved manufacturer's installation instructions for mobilehomes bearing the insignia of approval manufactured after October 7, 1973, including the designed roof and horizontal live loads.

(4) Upon completion of the mobilehome installation, the manufacturer's installation instructions and a copy of the approved plot plan shall be

placed within the mobilehome for retention by the mobilehome owner.

(b) Support Structure. When a support structure is required to be installed for a mobilehome, a separate permit to construct the support structure shall be obtained from the enforcement agency. A person submitting an application for a permit to construct a support structure shall submit three complete sets of plans and specifications of the structure. The enforcement agency may require engineering calculations and substantiating data prepared and signed by a registered engineer or architect to be submitted with the plans and specifications.

(c) Pursuant to the limitations set forth in Sections 18502.5(b) and 18613 of the Health and Safety Code, where the department is the enforcement agency, the following fees shall apply:

(1) Application filing fee, twenty dollars ($20).

(2) Installation permit fee, one hundred dollars ($100) provided the inspection is not more than one hour, plus thirty dollars ($30) for each thirty (30) minutes or fractional part in excess of one hour.

(3) Reinspection fee of sixty dollars ($60) provided the reinspection is not more than one hour, plus thirty ($30) for each 30 minutes or fractional part in excess of one hour.

(d) When the plans or specifications submitted with the application for permit do not comply with these regu-

lations, the enforcement agency shall notify the applicant in what respects the plan and specifications do not comply. When the applicant resubmits the application, plans and specifications, an additional application filing fee may be required.

(e) The permit issuance fee shall be twenty dollars ($20). A single permit may be issued for all mobilehome accessory buildings cr structures to be erected at the same time on the same mobilehome lot. A permit to construct shall be obtained for each permanent building, which may include electrical, mechanical and plumbing installations within the building. A single permit may be issued for the electrical, mechanical and plumbing installation within a mobilehome park, or a permit may be issued for each type of installation.

(f) Construction or alteration permit fees for mobilehome accessory buildings and structures that have a standard plan approval from the department are as follows:

§ 1022. Construction and Alteration Permit Fees.

(a) Any person submitting an application for a permit to construct shall pay the following fees as applicable. A permit issuance fee shall be paid for each permit issued. For the purpose of determining fees, the enforcement agency may establish the valuation for permanent buildings, miscellaneous structures, and mobilehome accessory buildings and structures that do not have the department's standard plan

approval.

(e) When plans and specifications fail to comply with the requirements of this subchapter, the enforcement agency shall notify the applicant for the permit in what respects the plans do not comply. The applicant shall correct the plans and specifications and resubmit to the enforcement agency for each resubmission of plans subsequent to the initial plan check:

(1) Plan resubmission fee. Ten dollars ($10).

(2) Plan checking fee. Sixty Dollars ($60) provided that such plan check is not in excess of one hour duration, plus thirty dollars ($30) for each thirty (30) minutes or fractional part thereof in excess of one hour.

NOTE: Authority cited: § 18300, Health and Safety Code. Reference: §§ 18502, 18502.5 and 18503, Health and Safety Code.

§ 1024. Building Permit Fees.

(a) Fees for a permit to construct or install buildings, mobilehome accessory buildings or structures or miscellaneous structures that do not have a standard plan approval from the department, and electrical, mechanical, and plumbing installations within or on buildings or structures shall be as follows:

(1) Table A. Construction Permit Fees.

(2) Table B. Mechanical and Plumbing

Permit Fees.

(b) When an inspection has been made, and the work is found not to be in compliance with the approved plans or requirements of this chapter, the permittee shall, upon written notice, make the required corrections and then request a reinspection. The request for reinspection shall be submitted with a fee of sixty dollars.

Fees for reinspection, office, or field technical services are sixty dollars ($60) for the first hour and thirty dollars ($30) for each additional thirty minutes.

NOTE: Authority cited: §§ 18300, 18502.5 and 18552, Health and Safety Code. Reference: §§ 18502 and 18503, Health and Safety Code.

§ 1046. Stop Order.

Whenever any construction work is in violation of this subchapter, the enforcement agency may order the work stopped by written notice served on any person engaged in the doing or causing such work to be done, and any such person shall immediately stop such work until authorized by the enforcment agency to proceed with the work.

§ 1320. Application and Scope.

The requirements of this article shall apply to the installation of mobilehomes and apply to all parts of the state for mobilehomes installed within and outside of mobilehome parks.

§ 1326. Inspection.

(a) A person obtaining a permit to install a mobilehome shall notify the enforcement agency and request inspection at least 24 hours in advance of the time installation is expected to be completed.

(b) When the mobilehome installation fails to comply with the requirements of § 18613, H & S Code, or these regulations, the enforcement agency shall notify the installer in what respects the installation does not comply. The installer shall perform the necessary corrective work and request reinspection within ten days. The fee for reinspection shall be paid when reinspection is requested.

NOTE: Authority cited: § 18300, H & S Code. Reference: § 18613, H & S Code.

§ 1332. Local Requirements.

Mobilehome locations are subject to the requirements of local zoning ordinances and conditional use permits established by local authorities.

§ 1333. Manufactured Home, Mobilehome, and Commercial Coach Foundation Systems.

(a) Pursuant to Health and Safety Code Section 18551, the requirements for manufactured home, mobilehome and commercial coach foundation systems are applicable throughout the state.

(b) The foundation system and the connection of the manufactured home, mobilehome, or comercial coach to the foundation system shall be designed to withstand the vertical and lateral

forces due to dead load, roof and floor live loads, wind and seismic loads in accordance with provisions of Chapter 29, Uniform Building Code, 1982 Edition, and local soil conditions. The roof live load, wind and seismic loads as established for permanent buildings within specific local areas shall apply.

(c) The vertical and lateral load resisting elements shall be sized and located to resist the loads specified in the manufacturer's installation instructions. The manufacturer's installation instructions shall become a part of the foundation system plans. In the absence of the manufacturer's installation instructions, plans and specifications signed by a California licensed architect or engineer covering the installation of an individual manufactured home, mobilehome or commercial coach shall be provided to the enforcement agency.

(d) The foundation system and the connection of the manufactured home, mobilehome or commercial coach to the foundation system shall be capable of withstanding the vertical and lateral loads shown in the manufacturer's installation instructions, or plans and specifications signed by a California licensed architect or engineer, including the locations where there are concentrated loads.

(e) When a manufactured home, mobilehome or commercial coach is to be installed upon a foundation system, a foundation system plan shall be provided to the enforcement agency. The manufacturer may provide a foundation system plan

in its installation instructions, or a foundation system plan may accompany the installation instructions. Foundation systems may be approved by the enforcement agency or the department. Foundation systems approved by the department shall be accepted by every enforcement agency as approved for the purpose of obtaining a construction permit when the design loads and conditions are consistent for the locality.

Foundation system plans and supporting data may be required to be signed by a California licensed architect or professional engineer.

(f) The provisions of §§ 1334, 1336, 1338 and 1340 are not applicable to manufactured home, mobilehome, or commercial coach foundation systems.

Foundations for cabanas, porches, and stairways which are accessory to manufactured homes or mobilehomes on foundation systems shall be subject to approval of the enforcement agency. Porches and stairways which are accessory to commercial coaches on a foundation system shall be subject to approval of the local enforcement agency.

NOTE: Authority cited: § 18300, Health and Safety Code. Reference: § 18551, Health and Safety Code.

§ 1362. Test.

When a mobilehome consists of two or more units, all utility connections from one unit to another shall be visually inspected and included in the tests.

(a) The water distribution system of the mobilehome and the supply connection shall show no evidence of leakage under normal operating pressures. If water at normal operating pressure is not available, the mobilehome water distribution system shall be tested by a 50 pound per square inch air pressure test for a period of not less than 15 minutes without leaking.

The mobilehome drainage piping system shall be connected to the lot or site drain inlet, and tested by allowing water to flow into all fixtures, and receptors, including the clothes washer standpipe, for a period of three minutes. If water under pressure is not available. the drainage piping system shall be tested by letting at least three gallons of water into each fixture or receptor. There shall be no visible evidence of leaks.

(b) The mobilehome fuel gas piping system shall be tested before it is connected to the mobilehome lot gas outlet. The mobilehome gas piping system shall be subjected to a pressure test with all appliance shut-off valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shut-off valves ahead of fuel gas cooking appliances shall be closed. The test shall consist of air pressure at not less than 10 inches nor more than a MAXIMUM of 14 inches water column. (Six ounce to a MAXIMUM eight ounce psi). The system shall be isolated from the air pressure source and maintain this pressure for not less than two minutes without perceptible leakage.

Upon satisfactory completion of the test the appliance valves ahead of the cooking appliance connectors shall be opened and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressure shall be measured with either a manometer, slope guage, or guage calibrated in either water inches or psi with increments or either one-tenth inch or one-tenth psi, as applicable. Upon satisfactory completion of the test, the mobilehome gas supply connector shall be installed, and the connection tested with soapy water or bubble solution.

Gas appliance vents shall be visually inspected to insure that they have not been dislodged in transit and are securely connected to the appliance.

NOTE: Do not overpressurize the fuel gas piping system. Pressurization beyond the maximum specified may result in damage to valves, regulators, appliances, etc.

(c) The electrical wiring and power supply feeder assembly of the mobilehome shall be tested for continuity and grounding. The electrical wiring system of the mobilehome shall not be energized during the test. A mobilehome equipped with a power supply cord shall not be connected to the lot or site service equipment. A mobilehome equipped with a feeder assembly shall have the flexible metal conduit of the feeder assembly connected to the lot or site service equipment; however,

the supply conductors, including the neutral conductor, shall not be connected.

The continuity test shall be made with all mobilehome interior branch circuit switches or circuit breakers and all switches controlling individual outlets, fixtures and appliances in the "on" position. The test shall be made by connecting one lead of the test instrument to the mobilehome grounding conductor at the point of supply to the feeder assembly, and applying the lead to each of the supply conductors, including the neutral conductor. There shall be no evidence of any connection between any of the supply conductors and the grounding conductor. In addition, all noncurrent-carrying metal parts of electrical equipment of the mobilehome, including fixtures and appliances, shall be tested to determine continuity between such equipment and the equipment grounding conductor.

Upon completion of the continuity test the power supply cord or feeder assembly shall be connected at the lot or site service equipment. A further continuity test shall then be made between the grounding electrode and the chassis of the mobilehome.

Upon satisfactory completion of the electrical tests, the lot or site service equipment shall be approved for energizing.

NOTE: Authority cited: H & S Code §§ 18300 & 18613. Reference: H & S Code § 18613

§ 1364 Approval Tags.

Except for test purposses, the electrical system of the mobilehome shall not be energized unless an approval tag, signed by a representative of the enforcement agency, is attached to the lot or site service equipment. The mobilehome fuel gas piping system shall not be supplied with gas unless an approval tag is attached to the lot or site gas riser.

If either system fails inspection, the inspector shall attach a tag indicating it is not approved, the system shall not be energized until re-inspected and approved.

Approval tags shall identify the mobilehome for which they are issued.

§ 1366 Mobilehome Installation Acceptance.

(a) When it is determined that a mobilehome complies with the provisions of these regulations after final inspection of the mobilehome installation, the enforcement agency shall provide a copy of the mobilehome installation acceptance for the mobilehome dealer and buyer.

GOVERNMENT CODE

§ 815.6 Mandatory duty of public entity to protect against particular kinds of injuries

Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a

particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercized resonable diligence to discharge the duty.

§ 818.4 Issuance, denial, suspension or revocation of permit, license, etc.

A public entity is not liable for an injury caused by the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order, or similar authorization where the public entity or an employe of the public entity is authorized by enactment to determine whether or not such authorization should be issued, denied, suspended or revoked.

§ 818.6 Failure to inspect, or negligent inspection of, property

A public entity is not liable for injury caused by its failure to make an inspection, or by reason of making an inadequate or negligent inspection, of any property, other than its property (as defined in subdivision (c) of § 830), for the purpose of determining whether the property complies with or violates any enactment or contains or constitutes a hazard to health or safety.

HEALTH AND SAFETY CODE

State Housing Law Division 13, Chapter 2

§ 17290 [states that a local agency may

only approve a variation in building specifications after it had satisfied itself of comparable performance of the variation with the original performance obtained by the original specifications.]

§ 17958.3

Every city or county shall obtain and maintain with all revisions on a current basis the Building Standards and other State Regulations relating to buildings published in Titles 24 and 25 of the California Administrative Code. These Codes shall be maintained in the office of the building officials charged with the administration and enforcment of the provisions of this part.

THE MOBILEHOMES, MANUFACTURED HOUSING ACT OF 1980

§ 18000 Citation

This part shall be known and may be cited as the Mobilehomes, Manufactured Housing Act of 1980.

§ 18007 "Manufactured home"

"Manufactured home" includes a mobilehome subject to the National Manufactured Home Construction & Safety Act of 1974 (42 USC § 5401 et seq.)

§ 18010.5 "Regulations," "Rules and Regulations"

"Regulations" or "Rules and Regulations" as used in this part, means regulations promulgated by the commission or department, as appropriate, pursuant to Chapter 3.5 (commencing with § 11340) of Part 1 of Division 3 of Title 2 of the

Government Code.

§ 18015 Statewide applicability; Applicability of Part, Rules and Regulations;

The provisions of this part apply to all parts of the State and supercede any ordinance enacted by any city, county, or city and county, which can conflict with the provisions of this part.

§ 18020. Remedies not exclusive

The department shall enforce every provision of this part and the rules and regulations promulgated thereunder. However, the remedies provided in this part shall not preclude an aggrieved party from pursuing any other remedies he or she may have under any other provision of law.

§ 18025 Plumbing, heating and electrical equipment; Insignias of approval

(a) . . . . The department may promulgate those rules and regulations which shall be reasonably consistent with recognized and accepted principles of plumbing, heat-producing, and electrical equipment and installations, respectively, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heat-producing, and electrical equipment and installations.

(b) All manufactured homes and mobilehomes manufactured on or after Jume 15, 1976, shall comply with the [Act].

§ 18025.5 Enforcement of federal standards; Inspections and investigations

(a) Pursuant to the [Act] the department is authorized to assume responsibility for enforcement of manufactured home and mobilehome construction and safety standards relating to any issue with respect to which a federal standard has been established. The department may adopt regulations to ensure acceptance by the Secretary of [HUD] of California's plan for administration and enforcement of federal manifactured home and mobilehome safety and construction standards.

(b) The department is authorized to conduct inspections and investigations which it determines may be necessary to secure enforcement of the provisions of this part and regulations adopted pursuant thereto. . . .

§ 18031.5 Installations of fireplaces

Nothing in this part or any other provision of law shall be construed to prohibit the installation of fireplaces in manufactured homes and mobilehomes. The department shall adopt any regulations for the installations of fireplaces in manufactured homes, mobilehomes, . . . which it may determine are reasonably necessary in order to protect the health and safety of the occupants and to insure that an installation does not impair the efficiency of the primary heating and cooling system of the manufactured home, mobilehome, . . . All manufactured homes, mobilehomes . . . manufactured on and after June 15, 1976, which contain fireplaces, shall comply with the [Act].

§ 18059.5 Acts with respect to escrows and sales practices

With respect to escrows and sales practices, it is unlawful to do any of the following:

(a) Violate any of the terms or provisions of Chapter 5 (commencing with § 18035), relating to purchase documents, receipts for deposits, escrow, and sales practices, or any rule, regulation, or order issued by the department pursuant thereto.

(b) Intentionally withhold or provide false information to an escrow company or to any person holding or acquiring an ownership or security interest in the manufactured home or mobilehome being sold or purchased.

§ 18075. Regulations; Schedule of fees

(a) On and after July 1, 1981, all manufactured homes, mobilehomes, . . . shall be subject to the provisions of this code for purposes of titling and registration.

(c) The department may establish a schedule of fees to pay the costs of work related to administration and enforcement of this chapter except where the fees are expressly stated herein.

§ 18075.5 Exceptions to Registration requirements

(b) Manufactured homes, mobilehomes . . . installed or to be installed on foundation systems pursuant to §18551 shall be exempt from registration so long as they remain affixed to the foundation

system. In the event that the manufactured home, mobilehome, . . . is removed from a foundation system for any purpose other than dismantling or reinstallation on a foundation system, it shall be immediately subject to registration with the department.

§ 18204. "Commission"

"Commission" is the Commission of Housing and Community Development.

[NOTE--§ 17003.5 . . . provides that any reference to the Commission of Housing and Community Development shall be deemed to be the Department of Housing and Community Development and the department may exercize all the powers and shall perform all the duties of the commission.]

§ 18206. "Department"

"Department" is the Department of Housing and Community Development.

§ 18207. "Enforcement agency"

"Enforcement agency" is the [HCD] or any city, county, or city and county which has assumed responsibility for the enforcement of this part pursuant to § 18300.

§ 18300 Statewide application of regulations; enforcement

(a) The provisions of this part apply to all parts of the state and supercede any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to the provisions of this part. Except as provided in § 18930, the

department may adopt regulations to interpret and make specific the provisions of this part and when adopted such regulations shall apply to all parts of the state.

(b) Upon 30 days' written notice from the governing body to the department, any city, county, or city and county may assume the responsibility for the enforcement of this part, the building standards published in the State Building Standards Code relating to mobilehome parks, . . . and the regulations pursuant to the provisions of this part following approval by the department for such assumption.

(c) The department shall adopt regulations which set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations which set forth the conditions for assumption, shall relate solely to the ability of local agencies to enforce properly the building standards in the State Building Standards Code relating to mobilehome parks . . . and the other regulations relating to mobilehome parks promulgated pursuant to this part. The regulations which set forth the conditions for assumption shall not set requirements for local agencies different from those which the State maintains for its own enforcement program. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of mobilehome parks within the

jurisdiction of the city, county, or city and county.

(f) Every city, county, or city and county, within its jurisdiction, shall enforce all of the provisions of this part, the building standards published in the State Building Standards Code relating to mobilehome parks, . . . and the other regulations adopted pursuant to the provisions of this part as they relate to manufactured homes . . .or structures located outside of mobilehome parks.

61 Ops Atty Gen 309 (a state or local standard regarding construction or safety applicable to the same aspect of performance as an existing federal standard under the [Act] is preempted by the federal standards with respect to a mobilehome as defined in federal law, including those designed to be used with and placed upon a permanent foundation).

§ 18503. Schedule of fees for construction and installation permits

(a) Except as othwerwise provided in subdivision (b), the department by administrative rule and regulation shall establish a schedule of fees relating to all construction and installation permits. The fees shall apply to and be paid to the enforcement agency. Fees established for construction and installation permits shall be reasonably consistent with the currrent edition of the Uniform Building Code as published by the International Conference of Building Officials, the Uni-

form Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and the Uniform Electrical Code as published by the Pacific Coast Electrical Bureau.

§ 18550 Unlawful Use

It shall be unlawful for any person to use or cause, or permit to be used for occupancy, any of the following manufactured homes or mobilehomes, wherever such manufactured homes or mobilehomes are located.

(a) Any mobilehome supplied with fuel, gas, water, electricity, or sewage connections, unless such connections and installations conform to regulations of the commission.

(b) Any manufactured home or mobilehome which is permanently attached with underpinning or foundation to the ground, except for manufactured homes or mobilehomes which bear a department insignia or federal label, and which are installed on a foundation system, pursuant to § 18551, on real property owned by the owner of the mobilehome under a building permit issued pursuant to the provisions of subdivision (a) of § 18551.

(c) Any manufactured home or mobilehome which does not conform to the registration requirements of the Vehicle Code, except for a mobilehome which has been placed upon a foundation system pursuant to § 18551, and is subject to local property taxation, pursuant to § 109.7 of the Revenue and Taxation Code. . . .

(d) Any manufactured home or mobilehome in an unsafe or unsanitary condition.

(e) Any manufactured home or mobilehome which is structurally unsound and does not protect its occupants against the elements.

(f) Any mobilehome which does not have a current annual vehicle license except for a mobilehome which has been placed on a foundation system pursuant to § 18551, and is subject to local property taxation, pursuant to 109.7 of the Revenue and Taxation Code.

§ 18551 Manufactured home, mobilehome and commercial coach foundation systems; regulations; building permits; fees; recording document; cancellation of registration; fixture or improvement status; removal; consent

The department shall establish regulations for mobilehome foundation systems which shall be applicable throughout the state. When established these regulations supercede any ordinance enacted by any city, county, or city and county applicable to mobilehome foundation systems.

The department may approve alternate foundation systems to those provided by regulation where the department is satisfied of equivalent performance. The department shall document approval of such alternate systems by its stamp of approval on the plans and specifications for the alternate system.

(a) Prior to installation of a mobilehome on a foundation system, the mobilehome owner or a licensed contractor shall obtain a building

permit from the appropriate local agency. To obtain such a permit, the owner or contractor shall provide the following:

(1) Written evidence acceptable to the local agency that the mobilehome owner owns or holds title to the real property where the mobilehome is to be installed upon a foundation system.

(3) Plans and specifications required by department regulations or a department-approved alternate for the mobilehome foundation system.

(4) The mobilehome manufacturer's installation instructions, or plans and specifications signed by a California Licensed architect or engineer covering the installation of an individual mobilehome in the absence of the mobilehome manufacturer's instructions.

(5) Building permit fees established by ordinance of the city, county, or city and county of the appropriate local agency.

(6) A fee payable to the department in the amount of eleven dollars ($11) for each transportable section of the mobilehome, which shall be immediately transmitted to the department with a copy of the building permit and such other information concerning the mobilehome as the department may prescribe on forms provided by the department.

At the time the certificate of occupancy for the mobilehome is issued by the appropriate local agency, such local agency shall record with the county

recorder in the county in which the real property is located, a document particularly describing the real property upon which the mobilehome is installed on a foundation system, and the fact that a mobilehome has been affixed to the property.

Fees received by the department pursuant to this subdivision shall be deposited in the Mobilehome Revolving Fund established under § 18060.2 and shall be designated for enforcement of consumer protections provided in Part 2 (commencing with § 18000) of this division, relating to mobilehomes. To the extent these fees are utilized for enforcement of consumer protections, the provisions of § 18060.3 shall not apply.

The director through contract or interagency agreement with the department of Motor Vehicles, may utilize the fees collected pursuant to this subdivision to ensure the enforcement of consumer protections otherwise provided by provisions of the Vehicle Code.

(b) The Department of Motor Vehicles shall adopt regulations providing for the cancellation of registration of a mobilhome which is permanently affixed to a foundation system. The regulations shall provide for the surrender to the Department of Motor Vehicles of (1) the certificate of ownership and other indicia of registration, and (2) a certification from the enforcement agency that a certificate of occupancy has been issued with respect to the mobilehome which has been permanently affixed to a foundation system.

(c) Notwithstanding any other provision

of law, any mobilehome installed on a foundation system, attached, or otherwise permanently affixed to real property without compliance with the provisions of subdivision (a) and (b), shall not be deemed a fixture or improvement to such real property.

(d) Once installed on a foundation system, a mobilehome shall be subject to state enforced health and safety standards for mobilehomes, enforced pursuant to § 18040.

(e) No local agency shall require that any mobilehome currently on private property be placed on a foundation system.

§ 18613 Permit required for installation of manufactured home or mobilehome; Regulations; Inspection; Notice of defects; Fees

A permit shall be obtained from the enforcement agency each time a manufactured home or mobilehome, which is required to be moved under permit, is to be located or installed on any site for the purpose of human habitation or occupancy as a dwelling.

The contractor engaged to install the manufactured home or mobilehome shall obtain the permit, except when the owner of the manufactured home or mobilehome proposes to perform the installation. When a contractor applies for a permit to install a manufactured home or mobilehome, he or she shall display a valid contractor's license. The contractor shall complete the installation of the manufactured home or mobilehome in accordance with the building standards

published in the State Building Standards Code relating to mobilehome parks and the other regulations adopted by the department within the time limitations which shall be established by regulations of the department. The time limitations shall allow contractors a reasonable amount of time within which to complete manufactured home or mobilehome installations. If inspection of the manufactured home or mobilehome cannot be approved for occupancy due to defective materials, systems, workmanship, or equipment of the manufactured home or mobilehome, the contractor shall be allowed a reasonable amount of time, as determined by regulation of the department, to complete the installation after the defects in the manufactured home or mobilehome have been corrected.

The enforcement agency shall immediately notify the department whenever any manufactured home or mobilehome cannot be approved for occupancy due to defects of the manufactured home or mobilehome. The report of notification shall indicate health and safety defects and, in the case of new manufactured homes or mobilehomes, substantial defects of materials and workmanship. For purposes of this section, "substantial defects of materials and workmanship" means defects objectively manifest by broken, ripped, cracked, stained, or missing parts or components and shall not include defects concerning color combinations or grade of materials used. If the manufactured home or mobilehome fails installation inspection because of conditions which do not endanger the health or safety of the occupant, the owner may occupy the manufactured home or mobilehome. If, however, the installation fails inspection

due to immediate hazards to the health and safey of the occupant, as determined by the enforcement agency, the manufactured home or mobilehome may not be occupied. Except as provided in § 18930, the department shall adopt regulations for the installations and regulations which specify a standard form required to be used statewide by enforcement agencies as a certificate of occupancy or statement of installation acceptance. The department shall transmit a copy of the standard form to all enforcement agencies. An enforcement agency shall not be required to use the standard forms until their existing stock of forms for this purpose is depleted. The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with § 18935) of Part 2.5 for the purposes described in this section. The building standards published in the State Building Standards Code relating to manufactured homes or mobilehomes or mobilehome parks and the other regulations adopted by the department pursuant to this section shall establish such requirements as the department determines are reasonably necessary for the protection of life and property and to carry out the purpooses of this section. In adopting building regulations or adopting other regulations pursuant to this section, the department shall consider reassembly of the manufactured home or mobilehome, stabilizing devices and load-bearing supports, and utility connections and connectors.

The department shall establish a schedule of fees for the permits required by this section commensurate with the cost of the enforcement of this section, the building standards published in the State Building Standards Code relating to manufactured

homes or mobilehomes or mobilehome parks, and the other regulations adopted pursuant to provisions of this section. Where a city, county, or city and county is responsible for the enforcement, the city, county or city and county may establish a schedule of fees not to exceed the actual cost of enforcement and not to exceed those fees established by the department where the department is the enforcement agency. Permit fees and reinspection fees shall be paid to the enforcement agency by the permittee.

This section does not apply to recreational vehicles or commercial coaches.

§ 18614

If the installation of a mobilehome by a contractor has failed the inspection of the enforcement agency and he has failed to perform corrections to remedy the reasons for the failure within the time permitted by regulations of the commission adopted pursuant to § 18613, the enforcement agency shall promptly notify the registrar of such fact and the name of the contractor.

Upon such notification, the registrar shall investigate the actions of the contractor. Failure by the contractor to comply with the provisions of § 18613 and the regulations adopted pursuant thereto may constitute cause for disciplinary action.

APPENDIX J

MISCELLANEOUS

APPENDIX J

MISCELLANEOUS DOCUMENTS

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF CODES AND STANDARDS - MOBLEHOME SECTION
Box 31 Sacramento, California 95801
(916) 445-3338

December 31, 1979

INFORMATION BULLETIN MH-79-21

TO: CITY & COUNTY BUILDING OFFICIALS
COUNTY TAX ASSESSORS
COUNTY RECORDERS
MOBILEHOME ESCROW
DIVISION STAFF

SUBJECT: PROCEDURES, FORMS, DOCUMENTS, AND CERTIFICATES REQUIRED FOR MOBILEHOMES INSTALLED ON FOUNDATION SYSTEMS

Section 18551 of Health and Safety Code was added by Assembly Bill 887, Capter 1160, 1979 Statutes, and becomes effective January 1, 1980. Section 18551, copy attached, provides for the placement of mobilehomes on foundation systems and requires specific fees, forms, documents, and items to be used, transmitted, and recorded in conjunction with the installation of mobilehomes on foundation systems.

The department has developed the attached form, HCD413, as required by § 18551(a)(6) for use by local enforcement agencies to

meet the majority of their documentation requirements. This form also meets the needs of several other governmental and private agencies as well as individuals who become involved in the installation of mobilehomes on foundation systems. Any comments or recommendations for improvement of this form or requests for additional copies should be adressed to :

Department of Housing & Community Development
P. O. Box 31
Sacramento, California 95801
(916) 445-3338
445-9471 (Kerin)

In order to meet the documentation requirements of § 18551, complete each section of the form with accurate information and process the form as follows:

1. Upon application for a building permit to place a mobilehome on a foundation system complete all portions of the form except "CERTIFICATE OF OCCUPANCY" with a typewriter or legible printing in black ink. Make a copy of the completed HCD FORN 413 and mail it immediately to the department with a copy of the building permit anf fees in amount of $11.00 for each transportable section of the mobilehome. KEEP THE ORIGINAL COPY OF THE HCD FORM 413.

2. When the installation of the mobilehome on a foundation system has been completed and has passed inspection, complete the CERTIFICATE OF OCCUPANCY portion of the original form. Make three (3) copies of the completed HCD Form 413 and immediately

deliver the original copy to the County Recorder's Office for recording. The three (3) additional copies of the HCD Form 413 are to be delivered to the Recorder's Office at the same time as the original for complimewntary stamping in the upper right hand corner of the form.

3. The three (3) copies of the HCD Form 413, with the Recorder's Stamp in the upper right hand corner are to be distributed by the local agency as follows:

(a) One copy returned to the applicant for the building permit to place the mobilehome on a foundation system. This copy serves as the certificate of occupancy for the mobilehome owner, evidence that the documentation required by § 18551 has been completed and recorded, and the evidence required by mobilehome escrow regulations for an escrow to close where the mobilehome is installed on a foundation system.

(b) One copy mailed or delivered to the Department of Motor Vehicles with the certificate of ownership, license plates, decals, and other DMV registration indicia. These may be delivered to the nearest DMV office, Attention Unit 47, or mailed to:

Department of Motor Vehicles
P.O.Box 11319
Sacramento, CA 95806

ATTENTION UNIT 47

NOTE: Proposed DMV regulations require the local agency obtain from the mobilehome owner, at the time the certificate of occupancy is issued: the certificate of ownership, license plates or decals, and other DMV registration indicia. Where the certificate of ownership, license plates or decals, and other DMV indicia is claimed to be missing or lost by the mobilehome owner, the mobilehome owner is required to provide a "Statement of Facts", DMV Form Reg. 256, certifying under penalty of perjury as to the loss. This statement, signed by the mobilehome owner, may be accepted by the local agency and transmitted to DMV in lieu of the required item claimed to be missing or lost.

(c) One copy for the local agency records.

Following the above procedure carefully with an accurately completed HCD Form 413 will meet the requirements of § 18551 for, providing information to the department, issuing a certificate of occupancy, filing a specific document with County Recorder, and providing certification to the Department of Motor Vehicles that a Certificate of Occupancy has been issued and the mobilehome has been permanently affixed to a foundation system.
In addition, this procedure and form will provide the documentation required to close a mobilehome escrow.

Instructions for completing the HCD Form 413 are also attached.

(signature)

Jack L. Kerin, Chief
JLK:TP:cr
Attachments

(Attachment)

INSTRUCTIONS FOR COMPLETING THE HCD FORM 413 FOR MOBILEHOMES INSTALLED ON FOUNDATION SYSTEMS.

1. At the time a building permit is issued, the local enforcement agency will complete an HCD Form 413, except for the bottom portion identified as "CERTIFICATE OF OCCUPANCY".

2. The local agency will immediately mail a copy of the HCD Form 413, a copy of the building permit, and a check or money order in amount of $11 for each transportable section of the mobilehome to be placed on a foundation system, to the department at the address indicated on the HCD Form 413. The check or money order shall be made payable to the department and may be provided by the mobilehome owner or the permit applicant.

3. Each portion of the HCD Form 413 must be completed since an incomplete form does not represent compliance with § 18551 of the Health and Safety Code. Complete the form as follows:

(b) OWNERSHIP INFORMATION - MOBILEHOME
(1) The Registered Owner's Name is the person who owns the mobilehome and is indicated as the Registered Owner on the Certificate of Ownership ("Pink Slip") of the Department of Motor Vehicles. Where the mobilehome is new, and not yet registered with DMV, the Registered Owner can be identified from the sales contract,security agreement, or bill-of-sale for the mobilehome.

(4) Indicate by either "Yes" or "No", whether or not the mobilehome owner has

indicated the mobilehome being installed on a foundation system to be the mobilehome owner's principal place of residence.

(5) The Legal Owner's Name is the person, firm, or corporation indicated as the legal owner on the Certificate of Ownership ("Pink Slip") from DMV. Where the mobilehome is new, and not yet registered with DMV, the Legal Owner may be identified from the security agreement for the mobilehome. (Since new, unregistered, mobilehomes may only be sold by licensed mobilehome dealers the mobilehome sales transaction is required to be handled by an escrow; you may wish to contact the escrow agent or agency for information relating to the Legal Owner of for other information required by the HCD Form 413) If the Legal Owner and the Registered Owner are the same, indicate "Same" as the Legal Owner. Indicate the Legal Owner's address, where applicable.

(6) Where there is a Legal Owner of the mobilehome, written consent must be provided by the Legal Owner to place the mobilehome on a foundation system. Indicate the form of written consent accepted from the Legal Owner for placement of the mobilehome on a foundation system.

(c) OWNERSHIP INFORMATION - REAL PROPERTY

(1) Indicate the name or names of the person, persons, firm, or corporation holding title to the real property where the mobilehome is proposed to be sited. This must be the same as the Registered Owner of the mobilehome. Title information is required to be by written evidence such as a Grant Deed, Deed of Trust, court order, etc

(2) Indicate the mailing address of the real property, city, county, and ZIP Code.

(3) Indicate the size of the real property by either length and width, in feet, or by the acreage.

(4) Indicate the type of written evidence provided to indicate ownership of the real property.

(5) Indicate the Assessor's Parcel Number for the real property where the mobilehome is to be sited.

(6) Indicate the mortgage holder(s) on the real property, if any, and their addressess(s). This information may be obtained from Trust Deeds, contracts of sale, etc.

(8) Provide the exact legal description of the real property. This may be obtained from a title policy, deed, etc. Use care in transcribing the legal description to assure accuracy.

(d) SALES INFORMATION - MOBILEHOME

(1) Indicate the date of purchase of he mobilehome.

(2) Indicate the amount of purchsase price of the mobilehome.

(3) Indicate the personal property items, such as free standing appliances and furniture, included in the purchase price of the mobilehome by identifying the item and indicating the dollar value of the item.

The form is now complete as far as the information required to be mailed to the department with a copy of the building permit and fees in amount of $11 for each transportable section.

4. Copy the form, keep the original, and forward the copy, copy of the building permit, and fees to the department by mail.

5. When the installation of the mobilehome has been completed and has passed inspection, complete the bottom part of the original copy of the form titled "CERTIFICATE OF OCCUPANCY' by indicating the date and signing the form.

6. On the same day as the Certificate of Occupancy is issued, make three (3) additional copies and deliver all four (4) of these copies to the County Recorder's Office for recording in the County records. The original copy is the copy to be recorded and the three (3) additional copies for complimentary copies back to the local agency with the Recorder's Stamp in the upper right hand corner of the form.

7. On the same day as the Certificate of Occupancy is issued, collect from the mobilehome owner the Certificate of Ownership, license plates or decals, and other DMV indicia. Where any of these items are not available, you may accept a "Statement of Facts" on DMV Form Reg. 256 indicating under penalty of perjury that these items are missing or lost. Where the mobilehome is new and has never been registered with DMV, you may accept a statement from the mobilehome dealer selling the mobilehome to that effect.
8. Transmit one copy of the completed HCD Form 413, with the County Recorder's Stamp in the upper right hand corner, to the applicant for the building permit.

9. Transmit one copy of the completed HCD Form 413, with the County Recorder's Stamp in the upper right hand corner, with the Certificate of Ownership, license plates or

decals, and DMV registration indicia, to the local DMV Office, Attention Unit 47, or mail this material to:

DEPARTMENT OF MOTOR VEHICLES
P. O. Box 11319
Sacramento, CA 95806
ATTENTION UNIT 47

10. File one copy of the completed HCD Form 413, with the County Recorder's Stamp in the upper roght hand corner, with your copy of the building permit.

Providing these instructions are followed carefully, all the requirements for documen tation contained in § 18551 of the Health and Safety Code for the placement of mobile homes on foundation systems will be met.